

REMARKS/ARGUMENTS

At pages 2-3 of the Office Action, the Examiner is requesting that the applicant elect one of seven groups.

To be responsive, the applicants elect, with traverse, Group III, claims 13-15 and 33, drawn to a method of identifying a compound using a non-human mammal deficient in one of the Dlg alleles, or cells from the mammal, wherein the compound having an effect of enhancing the expression and/or function of Dlg., for examination.

For the following reasons, the restriction requirement is respectfully traversed.

With regard to the non-elected claims, it is respectfully submitted that all claims should be examined at this time, and at least the claims set forth in Groups IV and V should be examined at the same time, since the claims are drawn to screening methods in which the same animals or cells are used, and since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. This is further shown by the class and subclass identified by the Examiner for Groups IV and V, which are the same as Group III. At a minimum, these claims should be rejoined upon the allowability of the subject matter of Group III due to their relationship to the subject matter of the remaining groups. Further, it is believed that the subject matter has the same concept from the standpoint that the searches would overlap to some extent. Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time. At a minimum, the Examiner should re-group these non-elected claims upon the allowability of the Group III subject matter.

U.S. Patent Application No. 10/594,695
Response to Restriction Requirement dated May 5, 2009
Reply to Office Action of April 16, 2009

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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